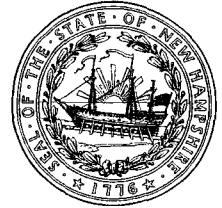




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

July 26, 2005

**CERTIFIED MAIL**  
**# 70001670000129078958**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

Town of Ossipee  
P.O. Box 67  
Center Ossipee, NH 03814

Attn.: Ron Davis, Supervisor

**Re: Town of Ossipee Solid Waste Facility**  
**Ossipee, New Hampshire**

Dear Mr. Davis:

On May 17, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the Town of Ossipee Transfer Facility ("Ossipee Transfer"). The purpose of the inspection was to determine Ossipee Transfer's compliance status relative to RSA 147-A and the New Hampshire Hazardous Waste Rules ("Rules"), Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 807.06(b)(5) – Used Oil Generator Requirements

At the time of the inspection, Ossipee Transfer was storing used oil in a tank which was not closed.

Env-Wm 807.06(b)(5) requires that all generators ensure that containers or tanks storing used oil are closed at all times, except when used oil is being actively added to or removed from the container or tank.

DES requested that Ossipee Transfer store used oil only in containers or tanks that remain closed at all times, unless used oil is being added to, or removed from the container or tank.

*At the time of the inspection, the cover of the used oil tank was returned to a closed position.*

2. Env-Wm 1102.03(b) – Universal Waste Lead-Acid Battery Recycling Requirements

At the time of the inspection, a lead-acid vehicle battery which had been stored on a rack behind the transfer facility building had been knocked off the rack, and was lying on the ground, with a cracked housing.

Env-Wm 1102.03(b) states that universal waste shall be managed in a way that prevents the release of universal waste, or any component of the universal waste, to the environment.

DES requested that Ossipee Transfer ensure that spent lead-acid batteries are stored in such a manner as to prevent the battery housings from being compromised and leaking acid to the environment.

*At the time of the inspection, the battery was placed in a more stable location on the rack, and the facility staff were instructed to ensure that the damaged battery was stored in a manner that would not allow leakage.*

At the time of the inspection, it was also observed that Ossipee Transfer had accumulated small quantities of hazardous wastes, which were stored in totes in a dedicated portion of the facility. Ron Davis, Facility Supervisor, indicated that these wastes represented hazardous wastes which were generated by residents, and left at the facility without the knowledge or approval of the facility staff. Mr. Davis further stated that these wastes were not intentionally segregated from the solid waste stream, and that Ossipee Transfer prohibits the delivery of household hazardous waste to the facility. Mr. Davis stated that the waste was destined for delivery to the Town of Wolfeboro's solid waste facility, for inclusion in their next scheduled household hazardous waste collection event.

Please be advised that such household hazardous wastes become regulated as hazardous wastes under the Rules when they are segregated from the solid waste stream (reference Env-Wm 401.03(b)(1)). However, given these incidents are more of a dumping type situation and that Ossipee Transfer does not intentionally collect or segregate household hazardous wastes, DES offers the following advice for Ossipee Transfer to maintain its status as a non-generator. For Ossipee Transfer to maintain its non-generator status, it will need to ensure that any household hazardous waste left at the facility is transferred to an authorized facility within a reasonable amount of time (*i.e.*, 30 days), where the hazardous waste can be managed in accordance with the Rules. As described above, an authorized facility shall be a household hazardous waste collection project which has properly notified DES and received an EPA identification number, or a notified transfer, treatment, storage or disposal facility. Alternatively, Ossipee Transfer must notify DES as a generator of hazardous waste and manage the collected wastes in accordance with Env-Wm 500 of the Rules, "Requirements for Hazardous Waste Generators".

DES believes the deficiencies identified during the inspection have been corrected and compliance achieved by the corrective measures taken by Ossipee Transfer. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://des.nh.gov/hwcs/>

or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 A.M. to 4:00 P.M. toll free at (866) HAZWAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tim Prospert, or Tod G. Leedberg, RCRA Compliance Supervisor, at 271-2942. Thank you for your continued cooperation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "COPY" with a large "X" over it, is written over the typed name.

John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

Cc: DB/RCRA/NOPV/Archives  
Anthony P. Giunta, P.G., Director, Waste Management Division  
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs/WMD  
Gretchen R. Hamel, Esq., Administrator, DES Legal Unit

CONFIDENTIAL

Email: JJD/SD  
Enclosure: Inspection Modules

*Ossipee Transfer Facility  
Notice of Past Violation*